

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cordell Hackshaw	Team: Team # 2	CCRB Case #: 201110244	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/04/2010 9:15 AM	Location of Incident: § 87(2)(b)	Precinct: 06	18 Mo. SOL 5/4/2012	EO SOL 5/4/2012	
Date/Time CV Reported Sun, 08/07/2011 10:29 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 08/07/2011 10:29 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Charlotte Garofalo	05528	915772	006 PCT
2. POM David Sansone	02861	939414	006 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Charlotte Garofalo	Discourtesy: PO Charlotte Garofalo spoke obscenely and/or rudely to § 87(2)(b)	§ 87(2)(b)
B.POM David Sansone	Discourtesy: PO David Sansone spoke obscenely and/or rudely to § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed this complaint via email with the Civilian Complaint Review Board (CCRB) on August 7, 2011. On November 4, 2010, at approximately 9:15 a.m., PO Charlotte Garofalo and PO David Sansone of the 6th Precinct responded to § 87(2)(b) § 87(2)(b) in Manhattan for a dispute. The following allegations resulted from the interaction:

- **Allegation A – Discourtesy: PO Charlotte Garofalo spoke obscenely and/or rudely to** § 87(2)(b)
- **Allegation B – Discourtesy: PO David Sansone spoke obscenely and/or rudely to** § 87(2)(b) § 87(2)(g)

§ 87(2)(g) § 87(2)(g) § 87(2)(g) § 87(2)(g) § 87(2)(g) § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old white female who is 5'5" tall, weighs 120lbs with dark brown hair and hazel eyes. § 87(2)(b)

CCRB Statement

The CCRB interviewed § 87(2)(b) on August 12, 2011 (Encl. B10-B15). § 87(2)(b)

§ 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)

§ 87(2)(b) lives at § 87(2)(b) § 87(2)(b) in Manhattan with her husband § 87(2)(b) and their two children ages § 87(2)(b) and § 87(2)(b) years old. Directly above the § 87(2)(b) apartment, in Apt § 87(2)(b) lives § 87(2)(b) § 87(2)(b) is constantly making loud noises overhead at the most inopportune times. On several occasions, the police have responded to the location. § 87(2)(b) has called the police claiming harassment from the § 87(2)(b) when they knock on her apartment door asking her to keep the noise level down.

On November 4, 2010, at approximately 8:15 a.m., § 87(2)(b) knocked several times on § 87(2)(b)'s door asking her to stop with the noises that she had just heard. There was no answer and § 87(2)(b) went back downstairs. At around 8:45 a.m., there was a rhythmic tapping from upstairs, which both § 87(2)(b) and § 87(2)(b) took as being deliberate and aggravating.

§ 87(2)(b) went back upstairs again and knocked on § 87(2)(b)'s door again. However, this time, § 87(2)(b) answered the door.

§ 87(2)(b) told § 87(2)(b) again to keep down the noise. § 87(2)(b) told § 87(2)(b) that she was not making any noise and that she was in full compliance of the lease. § 87(2)(b) refuted this notion stating that there was not enough carpeting in the apartment. Two uniformed officers, one male and one female, identified by § 87(2)(b) from a photo array on August 26, 2011 (Encl.) as PO David Sansone and PO Charlotte Garofalo respectively, came out from behind the closed kitchen door in § 87(2)(b)'s apartment. The officers identified themselves as police officers and stated that they were the ones making the noise. The officers told § 87(2)(b) that she had no right to harass § 87(2)(b) especially since she had a child. § 87(2)(b) told the officers that they do not know the full extent of the situation to which the officers replied that the entire matter needed to be handled by the landlord and not the police. PO Garofalo exited the apartment and approached § 87(2)(b) and stated "You have no fucking right to be harassing this woman! Who the hell you think you are? What the fuck are you doing?" § 87(2)(b) placed her hands in front of her and told PO Garofalo that she was yelling at her. PO Garofalo then grabbed § 87(2)(b) turned her around and pushed her against the wall in an attempt to place her in handcuffs. § 87(2)(b) screamed loudly. § 87(2)(b) did not resist but there was some issue with the handcuffs so PO Sansone assisted PO Garofalo in restraining § 87(2)(b). He instructed § 87(2)(b) to get on the floor after she was handcuffed. § 87(2)(b) heard § 87(2)(b) come up the stairs but never saw him. PO Sansone said something to him but § 87(2)(b) did not recall specifically what was said.

Approximately six or more officers arrived on the scene but they had no specific interaction with § 87(2)(b). § 87(2)(b) heard another officer state that he was going to change the disposition of the incident, which § 87(2)(b) took to mean that it will be changing the way the incident was going to end. The officers had § 87(2)(b) on the landing of the § 87(2)(b) floor for almost an hour. § 87(2)(b) told the officers that she needed to go to work but one of the officers responded by saying that § 87(2)(b) was not going anywhere in the condition she was in. § 87(2)(b) questioned what the officer meant by that comment but he did not respond. An officer told § 87(2)(b) that she was going to go to the psychiatric emergency room of § 87(2)(b). EMS technicians came on the scene and § 87(2)(b) was made to sign a document. The EMS checked her but he told her that she was okay. Nonetheless, § 87(2)(b) was transported to the emergency room where she was evaluated and then released.

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old white male who is 6'tall, weighs 185lbs with salt and pepper hair and hazel eyes. § 87(2)(b)

CCRB Statement

The CCRB interviewed § 87(2)(b) on August 12, 2011 (Encl. B20-B24). § 87(2)(b) On November 4, 2010, at approximately 8:45 a.m., he heard excessive noise coming from directly above. § 87(2)(b) again went up to the apartment to ask § 87(2)(b) to stop with the noise. Approximately four to five minutes later, § 87(2)(b) heard a loud scream and recognizing it as § 87(2)(b)'s voice, he ran upstairs to find out what was the matter. He was on the stairs to the § 87(2)(b) floor when he saw § 87(2)(b) on the floor in handcuffs on the ground with two officers, PO Garofalo and PO Sansone. PO Sansone shouted to § 87(2)(b) "Get the fuck out of here or you'll be arrested too!" § 87(2)(b) never said anything to the officers. § 87(2)(b) then returned

to his apartment. He called the building superintendent and a friend. § 87(2)(b) was taken away by the police and EMS.

Witness: § 87(2)(b)

The CCRB spoke with § 87(2)(b) on October 27, 2011 and she provided a brief phone statement (Encl. B25). § 87(2)(b) has constantly been harassing § 87(2)(b). This has been an ongoing incident where § 87(2)(b) would knock and kick at her door late at night, shouting that § 87(2)(b) was making a lot of noise. Several officers have repeatedly told § 87(2)(b) in the past on different occasions to stop harassing § 87(2)(b) and her daughter. § 87(2)(b) has also been knocking on § 87(2)(b)'s door. § 87(2)(b) called the police on November 4, 2010, because § 87(2)(b) was not supposed to be coming into close contact with § 87(2)(b) but she came upstairs and was again knocking on § 87(2)(b)'s door. When the officers arrived, they attempted to calm § 87(2)(b) down but she continued to scream obscenities at the officers. The officers told § 87(2)(b) that she had to stop the harassment and noise as § 87(2)(b) had a baby. The officers also stated that this was New York City and that it was reasonable to expect noise in apartment buildings. § 87(2)(b) became increasingly upset and referred § 87(2)(b) as being crazy. The officers never used any type of profanity to § 87(2)(b). The female officer, identified as PO Garofalo spoke strongly to § 87(2)(b) to tell her that she should not harass § 87(2)(b) and her daughter. § 87(2)(b) shoved PO Garofalo at this point, the officers restrained § 87(2)(b) and she was then transported to § 87(2)(b). § 87(2)(b) never saw § 87(2)(b) on the scene nor did she hear PO Sansone using any profanity on the scene.

NYPD Statements:

Subject Officer: PO CHARLOTTE GAROFALO

- PO Garofalo is a § 87(2)(b)-old white female who is 5'7" tall, weighs 170lbs with brown hair and brown eyes.
- On November 4, 2010, PO Garofalo worked from 7:05 a.m. to 3:40 p.m. with PO David Sansone. They were in uniform patrolling sectors E and F of the 6th Precinct in marked patrol car.

AIDED REPORT

PO Garofalo noted in this report that § 87(2)(b) became highly irate and irrational after having dispute with her neighbor. PO Garofalo observed § 87(2)(b) acting emotionally disturbed and felt that she required psychiatric evaluation (Encl. D4-D10).

Memo book

On November 4, 2010, at approximately 9:20 a.m., there was a call for a dispute at § 87(2)(b) in Manhattan. At 9:45 a.m., officers called for an ambulance for an emotionally disturbed person. At 10:00 a.m., PO Garofalo escorted § 87(2)(b) via ambulance to § 87(2)(b). § 87(2)(b)'s husband § 87(2)(b) was on the scene (Encl. C1-C3).

CCRB Statement

The CCRB interviewed PO Garofalo on October 7, 2011 (Encl. C4-C5). On November 4, 2010, there was a call for a dispute between two tenants at § 87(2)(b) in Manhattan. PO Garofalo and PO Sansone responded to the scene. The tenant on the § floor, identified § 87(2)(b) stated that the tenant on the § floor, § 87(2)(b) was harassing her and accusing her of making excessive noise. § 87(2)(b) stated that she had an infant and § 87(2)(b) would constantly harass her including whenever she would enter or leave the building. She also stated

that § 87(2)(b) would also come to her apartment door. As PO Garofalo and PO Sansone were interviewing § 87(2)(b) § 87(2)(b) began to pound on § 87(2)(b)'s door. PO Garofalo believed that it was perhaps the noise that she and PO Sansone made as they surveyed § 87(2)(b)'s apartment that caused § 87(2)(b) to come upstairs. § 87(2)(b) was screaming and yelling at the door, saying something to the effect of § 87(2)(b) should stop making noise. It was apparent that § 87(2)(b) did not know that officers were in the apartment. § 87(2)(b) opened the front door and § 87(2)(b) continued with her tirade. The officers stayed out of sight to see § 87(2)(b)'s reaction and to verify § 87(2)(b)'s story.

The officers came out and let § 87(2)(b) know that they were present but § 87(2)(b) continued scream even after being told to calm down. § 87(2)(b) was also flailing her arms. PO Garofalo did not recall PO Sansone speaking to § 87(2)(b). PO Garofalo never told § 87(2)(b) “You have no fucking right to be harassing this woman! Who the hell you think you are? What the fuck are you doing?” PO Garofalo never used any type of profanity against or towards § 87(2)(b). § 87(2)(b) was extremely close to PO Garofalo and screaming. PO Garofalo pushed § 87(2)(b) backwards and told her that she had to stop screaming. § 87(2)(b) paused for a second and then suddenly let out a catatonic scream. The officers decided that they should place § 87(2)(b) in handcuffs as they felt she might be unstable and needed psychiatric evaluation. It took the efforts of both PO Garofalo and PO Sansone to place § 87(2)(b) in handcuffs as she continued to flail her arms. As the officers were placing § 87(2)(b) in handcuffs, § 87(2)(b) came up the stairs. PO Sansone told him to stay back and not to come up the stairs. PO Garofalo never heard PO Sansone use profanity towards § 87(2)(b) or make any specific threat to arrest him. § 87(2)(b) was transported to § 87(2)(b) for psychiatric evaluation. PO Sansone and PO Garofalo accompanied § 87(2)(b) to the hospital.

Subject Officer: PO DAVID SANSONE

- PO Sansone is a § 87(2)(b)-old white male who is 6’0” tall, weighs 205lbs with brown hair and green eyes.
- On November 4, 2010, PO Sansone worked from 7:05 a.m. to 3:40 p.m. with PO Charlotte Garofalo. They were assigned to patrol sectors E and F of the 6th Precinct. They were dressed in uniform in a marked patrol car.

Memo book

At 9:20 a.m., there was a call for a dispute at § 87(2)(b) § 87(2)(b). At 9:45 a.m., an ambulance was called for an emotionally disturbed person, § 87(2)(b) white female, from § 87(2)(b) § 87(2)(b). Her husband, § 87(2)(b) was also on the scene. At 10:00 a.m., Sgt. John Wernicki came to the scene. PO Sansone escorted § 87(2)(b) to § 87(2)(b) via EMS (ACR #§ 87(2)(b) (Encl. C6-C8).

CCRB Statement

The CCRB interviewed PO Sansone on October 7, 2011 (Encl. C9-C10). § 87(2)(g) PO Garofalo had the primary contact with § 87(2)(b) continued screaming at PO Garofalo as she tried to explain to her why they were on the scene. § 87(2)(b) “freaked out” though PO Sansone did not recall specifically how she did this. PO Sansone recalled that § 87(2)(b) got very close to PO Garofalo. § 87(2)(b) became emotionally distraught and officers felt that she was an emotionally disturbed person. At no point did PO Sansone hear PO Garofalo use any type of profanity towards § 87(2)(b). § 87(2)(b) was flailing her arms and both PO Sansone and PO Garofalo decided to restrain her for safety reasons. They got her to the floor where she was

handcuffed. As the officers were restraining § 87(2)(b) § 87(2)(b) came upstairs but PO Sansone told him to stay where he was. § 87(2)(b) went back downstairs. PO Sansone never told § 87(2)(b) “Get the fuck out of here or you’ll be arrested too!” PO Sansone said he told § 87(2)(b) that he could be arrested for obstruction but never used any type of profanity to § 87(2)(b) § 87(2)(b)

NYPD Documents

SPRINT

On November 4, 2010, at approximately 8:58 a.m., § 87(2)(b) called 911 stating that she was being harassed by her neighbor who was then banging on her door, apt § 87(2)(b). At 9:14 a.m., PO Garofalo and PO Sansone responded to the scene. At 9:29 a.m., the officers asked for EMS to respond to the scene for an EDP. They added that Emergency Services Unit was not needed. The ambulance arrived at 9:43 a.m. and § 87(2)(b) was transported to § 87(2)(b) at 9:55 a.m. (Encl. D1-D3)

Ambulance Call Report (ACR)

The CCRB ordered the ACR on October 25, 2011 and it is pending. § 87(2)(g)

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of October 20, 2011 with regard to the incident (Encl. F11).

Civilians’ Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilians’ CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (Encl. A3-A4).

Subject Officers’ CCRB History

- PO Garofalo has been a member of the service for sixteen years and there are no substantiated CCRB allegations against her (Encl. A1).
- PO Sansone has been a member of the service for six years and there are no substantiated CCRB allegations against him (Encl. A2).

Conclusion

Identification of Subject Officers

- PO Garofalo acknowledged that she interacted with § 87(2)(b)
- PO Sansone acknowledged that he interacted with § 87(2)(b)

Investigative Findings and Recommendations

Allegation Not Pleaded

§ 87(2)(g)

§ 87(2)(g)

Allegation A – Discourtesy: PO Charlotte Garofalo spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that PO Garofalo stated to her “You have no right fucking right to be harassing this woman! Who the hell you think you are? What the fuck are you doing?” Both PO Garofalo and PO Sansone denied that such statements were made at any point interacting with § 87(2)(b) § 87(2)(b) corroborated the officers’ version of the incident. § 87(2)(g)

Allegation B – Discourtesy: PO David Sansone spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that PO Sansone told him, “Get the fuck out of here or you’ll be arrested too!” PO Sansone denied ever speaking discourteously to § 87(2)(b) though he admitted to telling him that he could be arrested for interference. PO Garofalo also denied that any profanities were used. § 87(2)(g)

Team: 2

Investigator:	_____	<u>Cordell Hackshaw</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date